



Appendix II

Attached herewith is a copy of the terminal disclaimer as requested by the Examiner.



Terminal Disclaimer To Obviate A Double
Patenting Rejection Over Co-Pending Application

Docket No.

X9712(C)

Re Application Of: Michael D. Jenkins et. al

Serial No. 09/009,206
Filing Date January 20, 1998

Examiner Omar A. Omar
Group Art Unit

Invention: Core Computer Unit

Owner of Record: Xybernaut Corporation

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of co-pending patent application serial number 08/911,642. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and said co-pending patent application serial number 08/911,642 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of serial number 08/911,642, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that I hereby declare that all statements made herein of my own knowledge are true and that all statements made on willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

James J. Ralabate
Signature

Dated: April 29, 1999

James J. Ralabate
Typed or Printed Name

☒ \$55.00 Terminal Disclaimer fee under 37 C.F.R. 1.20(d) included.

Please deduct from deposit account number 18-0080 any deficiency in fee payment.

* Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).